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10/075,445	02/15/2002	Marco Casassa Mont	30003054-2	8752

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
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EXAMINER

LASHLEY, LAUREL L

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/075,445		MONT ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Laurel Lashley		2132	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-21 and 23-38 is/are rejected.
- 7) ☐ Claim(s) 9 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 0103970.0.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Amendments**

1. Applicant's amendments with respect to claims 1 – 38 filed 29 November 2005 have been fully considered but they are not persuasive. Amendments to the abstract, specification and claims have been accepted. Objections to the specification, drawings and claims have been duly overcome and therefore withdrawn.

### **Response to Arguments**

2. Applicant's arguments with respect to claims 1 – 38 have been considered but are not persuasive. Applicant's amendments have necessitated a new search and new grounds of rejection.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 33 and 34 recites the limitation "the certificate". There is insufficient antecedent basis for this limitation in the claim. Where appropriate, all other claims are rejected by virtue of dependence.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 8, 10 – 15, 23 – 30 and 33 – 34 are rejected under 35 U.S.C. 103(a) as being obvious over Tychensen et al. in US Patent No. 6189097 (hereinafter US '097) in view of Apperson et al. in US Patent No. 5978484 (hereinafter US '484).

For claim 1, US '097 teaches:

A digital certificate embodied on a computer readable medium executable on a computing system comprising:

a plurality of credential attribute properties; (see column 6, line 16 and 41 – 56)

but does not explicitly disclose a trust function embedded within the certificate as an executable program file, which trust function has data and can determine as a function of data available to it a trust value attributable to at least a part of the digital certificate at least partly when the executable program file is executed.

Apperson et al. however does teaches a trust function embedded within the certificate as an executable program file, which trust function has data and can determine as a function of data available to it a trust value attributable to at least a part of the digital certificate at least partly when the executable program file is executed (see column 2, lines 44 – column 3, lines 1 – 26; column 4, lines 28 – column 5, lines 1 – 10; column 6, lines 34 – 47; Figures 2, 4 and 5: where the trust function is the CA's certificate (71) which has executable code therewithin and the CA's certificate is embedded within a digital certificate (60)). The Examiner believes the CA's certificate to be a trust function because the certificate "indicates an authorized set of privileges"

which verifies levels of trustworthiness and executes code based on the level of trust identified.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the digital certificate as taught by Tychensen et al. to comprise a trust function embedded within the digital certificate as an executable program file as taught by Apperson et al., since they both disclose use of a digital certificate within the same field of endeavor (trusted communication) and with the same problem sought to be solved (determining/verifying variable trust within digital communication).

For claim 2, US '097 teaches:

A digital certificate according to claim 1, in which the trust value is of a credential attribute in the certificate (see column 3, line 40).

For claim 3, US '097 teaches:

A digital certificate according to claim 1, in which the trust value is of the certificate (see column 3, line 39).

For claim 4, US '097 teaches:

A digital certificate according to claim 1, in which the data is trust value data (see column 6, lines 27 - 28).

For claim 5, US '097 teaches:

A digital certificate according to claim 1, in which the data includes data obtained externally of the certificate (see column 10, lines 2 - 3).

For claim 6, US '097 teaches:

A digital certificate according to claim 5, in which the obtained data is obtained from a user by the input of data in response to a query generated by the trust function (see column 12, lines 17 – 20).

For claim 7, US '097 teaches:

A digital certificate according to claim 5, in which the obtained data is obtained from a digital data store (see column 4, lines 46 - 47).

For claim 8, US '097 teaches:

A digital certificate according to claim 7, in which the digital data store is a website (see column 6, lines 59 - 60).

For claim 10, US '097 teaches:

A digital certificate according to claim 1, in which the trust function is configured determine the trust value automatically (see column 12, lines 10 - 12 where it is inherent that the “try before you buy” feature is automatically enabled upon execution).

For claim 11, US '097 teaches:

A digital certificate according to claim 1, in which execution of the executable program file fully can determine the trust value (see column 4, lines 27 – 28 and Figure 14).

For claim 12, US '097 teaches:

A digital certificate according to claim 1, in which the executable program file is a platform portable code (see column 7, lines 55 - 58).

For claim 13, US '097 teaches:

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A digital certificate according to claim 1, in which the certificate had a valid period and the credential function determines the credential attribute property value during the valid period (see column 6, line 49).

For claim 14, US '097 teaches:

A digital certificate according to claim 1, in which the plurality of credential attribute properties are from a single credential attribute (see column 6, lines 28 - 29).

For claim 15, US '097 teaches:

A digital certificate according to claim 1, in which the plurality of credential attribute properties are from a plurality of credential attributes (see column 6, lines 41 – 56).

As it pertains to claim 23, US '097 teaches:

A digital certificate according to claim 18, in which the credential function is configured to determine the credential attribute property value automatically (see column 12, lines 12 – 13 where there is a copy of the initial “try before you buy” function).

For claim 24, US '097 teaches:

A digital certificate according to claim 18, in which execution of the executable program file fully can determine the credential attribute property value (see column 4, lines 27 - 28 and Figure 14).

For claim 25, US '097 teaches:

A digital certificate according to claim 18, in which the executable program file is a platform portable code (see column 7, lines 55 - 58).

For claim 26, US '097 teaches:

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A digital certificate according to claim 18, in which the credential attribute property comprises a value operated on by the credential function to determine a credential attribute property value (see column 10, lines 27 - 33).

For claim 27, US '097 teaches:

A digital certificate according to claim 18, in which the credential function uses data obtained from outside the certificate to determine the credential attribute property value (see column 10, lines 2 - 3 where importing indicates that data is obtained from an external source).

For claim 28, US '097 teaches:

A digital certificate according to claim in which the obtained data is obtained from a user by the input of data in response a query generated by the credential function (see column 12, lines 17 - 20).

For claim 29, US '097 teaches:

A digital certificate according to claim 27, in which the obtained data is obtained from a digital data store (see column 4, lines 46 - 47).

For claim 30, US '097 teaches:

A digital certificate according to claim 29, in which the data store is a web site (see column 6, lines 59 - 60).

For claim 33, US '097 teaches:

A digital certificate embodied on a computer readable medium executable on a computing system, comprising:  
a plurality of credential attribute properties; (column 6, lines 16 and 41 - 56) and



but does not explicitly disclose a trust function within the certificate, which trust function comprises an executable program file, which trust function has data available to it and can determine as a function of the data available to it a trust value attributable to at least a part of the digit certificate at least partly when the executable program file is executed.

Apperson et al. however does teach a trust function within the certificate, which trust function comprises an executable program file, which trust function has data available to it and can determine as a function of the data available to it a trust value attributable to at least a part of the digit certificate at least partly when the executable program file is executed (see column 2, lines 44 – column 3, lines 1 – 26; column 4, lines 28 – column 5, lines 1 – 10; column 6, lines 34 – 47; Figures 2, 4 and 5: where the trust function is the CA's certificate (71) which has executable code therewithin, the CA certificate is embedded within a digital certificate (60)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the digital certificate as taught by Tychensen et al. to comprise a trust function embedded within the digital certificate as an executable program file as taught by Apperson et al., since they both disclose use of a digital certificate within the same field of endeavor (trusted communication) and with the same problem sought to be solved (determining/verifying variable trust within digital communication).

For claim 34, US '097 teaches:

A digital certificate embodied on a computer readable medium executable on a computing system, comprising:  
a plurality of credential attribute properties; (see column 6, lines 16 and 41 – 56) and

a trust function embedded within the certificate as an executable program file, which trust function has data available to it and can determine as a function of the data available to it a trust value attributable to at least a part of the digital certificate at least partly when the executable program file is executed.

Apperson et al. however does teach a trust function within the certificate, which trust function comprises an executable program file, which trust function has data available to it and can determine as a function of the data available to it a trust value attributable to at least a part of the digit certificate at least partly when the executable program file is executed (see column 2, lines 44 – column 3, lines 1 – 26; column 4, lines 28 – column 5, lines 1 – 10; column 6, lines 34 – 47; Figures 2, 4 and 5: where the trust function is the CA's certificate (71) which has executable code therewithin, the CA's certificate is embedded within a digital certificate (60)).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the digital certificate as taught by Tychensen et al. to comprise a trust function embedded within the digital certificate as an executable program file as taught by Apperson et al., since they both disclose use of a digital certificate within the same field of endeavor (trusted communication) and with the same problem sought to be solved (determining/verifying variable trust within digital communication).

5. Claims 16 - 21 and 31 - 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US '097 as applied to claim 1, above, further in view of Sudia in US 5,659,616 (hereinafter US '616).

As it relates to claims 16 - 21 and 31 – 38, Tyckensen et al. teaches a digital certificate by does not explicitly teach the latter characteristics of the certificate as taught by Sudia.

For claim 16, US '097 teaches a digital certificate but it does not teach that there is at least one attribute trust value, in which the trust function uses an attribute trust value to determine the trust value.

Sudia however does disclose that there is at least one attribute trust value, in which the trust function uses an attribute trust value to determine the trust value (US '616: see column 6, lines 63 - 64).

For claim 17, while US '097 teaches a digital certificate, it does not teach that there is a plurality of credential attributes and a plurality of attribute trust values, in which the trust function uses a plurality of attribute trust values to determine the trust value.

Sudia however does teach that there is a plurality of credential attributes and a plurality of attribute trust values, in which the trust function uses a plurality of attribute trust values to determine the trust value (US '616: see column 7, lines 1 - 7).

For claim 18, while US '097 teaches a digital certificate, it does not teach that a credential function is provided in the certificate, which credential function is associated with at least one credential attribute property and which determines the value of the credential attribute property.

Sudia however does disclose that a credential function is provided in the certificate, which credential function is associated with at least one credential attribute

property and which determines the value of the credential attribute property (US '616: see column 7, lines 26 - 28).

For claim 19, while US '097 discloses a digital certificate, it does not teach that the trust function uses the credential attribute property value determined by the credential function.

Sudia however does not disclose that the trust function uses the credential attribute property value determined by the credential function (see US '616: column 9, lines 13 - 15).

Claim 20 is disclosed in US '097 as a digital certificate but does not explicitly teach that the credential attribute property value determined by the credential function is a trust value.

Sudia however does explicitly disclose that the credential attribute property value determined by the credential function is a trust value as taught by US '616 (see column 9, lines 65 - 67).

Claim 21 teaches a digital certificate as in US '097 but does not teach that the certificate has a valid period and the trust function determines the trust value during the valid period of the certificate.

Sudia however does teach that the certificate has a valid period and the trust function determines the trust value during the valid period of the certificate as taught by US '616 (see column 6, line 49).

For claim 31, while US '097 teaches a digital certificate, it does not teach a plurality of the credential attribute properties have respective credential functions.

Sudia however discloses a plurality of the credential attribute properties have respective credential functions as in US '616 (see column 6, lines 64 – 67; as taught by example).

For claim 32, while US '097 teaches a digital certificate, it does not teach that each credential attribute property has a respective credential function.

Sudia however does disclose that each credential attribute property has a respective credential function as in US '616 (see column 7, lines 17 - 24; as taught by example).

For claims 16 - 21 and 31 - 32, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the digital certificate as taught by Tyckensen et al. (US '097) to comprise certificate characteristics as disclosed by Sudia (US '616) since they both disclose a digital certificate within the same field of endeavor (verification user using certificate (i.e. credential attribute, function or property)) with the same problem sought to be solved (verifying indicated level of confidence for the certificate (i.e. trust value or function)).

As it relates to claims 35 – 38, Tyckensen et al. teaches a digital certificate but does not explicitly teach the communication of the certificate from source to sender as taught by Sudia in US '616.

For claim 35, US '097 teaches a digital certificate but does not teaches a method of communication, which method comprises the steps of communicating from a sender to a recipient.

Sudia however does disclose a method of communication, which method comprises the steps of communicating from a sender to a recipient as in US '616 (see column 18, line 31; where it is obvious that a communication system incorporates sending and received of a message i.e. a certificate).

For claim 36, US '097 incorporates the communication of claim 35 but does not teach that the recipient inspects the certificate and the trust value is determined by the trust function.

Sudia however does teach that the recipient inspects the certificate and the trust value is determined by the trust function as in US '616 (see column 9, lines 37 - 46).

For claim 37, US '097 incorporates the communication of claim 35 but does not teach that the recipient inspects the certificate and the credential attribute property value is determined according to the credential function.

However, Sudia discloses that the recipient inspects the certificate and the credential attribute property value is determined according to the credential function as taught by US '616 (see column 9, lines 47 - 64).

Claim 38 incorporates the communication of claim 35, but does not explicitly teach that the communication is via a distributed electronic network.

However, Sudia does teach that the communication is via a distributed electronic network as in US '616 (see column 1, line 19; where it is obvious that a digital certificate is an electronic document and thus it must be communicated on an electronic network).

For claims 35 – 38, it would have been obvious to one of ordinary skill in the art at the time of the invention to have known that the digital certificate as taught by

Tyckensen et al. (US '097) could perform the stated communication as disclosed by Sudia (US '616) since they both disclose a digital certificate within the same field of endeavor (digital communication) and with the same problem sought to be solved (communicating from a source to a recipient).

***Allowable Subject Matter***

6. Examiner maintains that claims 9 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Double Patenting***

7. Examiner maintains the provisional obviousness-type double patenting rejection. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 - 38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 - 22 of copending Application No. 10/075380. Although the conflicting claims are not identical, they are not patentably distinct from each other because Applicant's trust function operates in the same manner as the credential attribute function in the copending Application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fisher in US Patent No. 5412717 and 5311591, Shear et al. in US Patent No. 6292569 and Sullivan et al. in US Patent No. 6069647 disclose ideas parallel to Applicant's claimed invention.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [hop://pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laurel Lashley  
Examiner


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 16 February 2006  
LLL

  
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